

Policy Regarding Municipal Ordinance VCVC Appeal Coverage

This memorandum clarifies the Windsor County State's Attorney's Office (WCSA) Policy regarding appeals involving Vermont Civil Violation Complaints (VCVCs) from the Judicial Bureau to the Superior Court where the underlying violation is of a municipal ordinance and not a state law.

Subject to criminal and juvenile caseload constraints, WCSA will accept appeals of VCVCs based upon municipal law when the following minimum standards are met:

1. WCSA must be provided with a complete and certified copy of the municipal ordinance that was in effect at the time the VCVC was issued, as well as a certified copy of all documents that are incorporated by reference, such as state speed certificates, town highway maps, and engineering studies.
2. WCSA must be provided with photographic or video evidence that notice of the ordinance at issue is prominently posted within town limits such that a reasonable person would understand that the conduct alleged in the VCVC is prohibited by municipal ordinance.
3. WCSA must be provided with a recording of the Judicial Bureau trial regarding the VCVC.
4. Upon request, WCSA must be provided with certified copies of earlier and subsequent versions of the ordinance at issue. This is so that we can develop an understanding of the history of the ordinance and whether the public was provided with notice of changes in the ordinance.